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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 LISA LINN OWEN,

10 Plaintiff,

11 v.
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13 RYDER GWINN, et al.,

14 Defendants.

Case No. C19-899 RSM

ORDER TO SHOW CAUSE

15 *Pro se* Plaintiff Lisa Linn Owen has been granted leave to proceed *in forma pauperis* in
16 this matter. Dkt. #2. The Complaint was posted on the docket on June 10, 2019. Dkt. #3.
17 Summonses have not yet been issued.
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19 Ms. Owen brings suit against Dr. Ryder Gwinn, Swedish Hospital Cherry Hill, and
20 others. *Id.* She checks the box for “federal question” as the basis for this Court’s jurisdiction,
21 but leaves blank a spot in her Complaint for “the specific federal statutes, federal treaties,
22 and/or provisions of the United States Constitution that are at issue in this case.” *Id.* at 3. Ms.
23 Owen alleges that she is allergic to morphine, wears a red plastic bracelet to alert hospital staff
24 of this fact, yet was forced to get two injections of morphine by Defendants and went into
25 anaphylactic shock. *Id.* at 5. She also alleges Defendants performed emergency surgery on her
26 without her authorization, leading to pain and other complications. It appears to the Court that
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1 Ms. Owen alleges these events occurred the week of July 20, 2015. *Id.* at 9. She alleges
2 continuing medical issues from these events up until the current year.

3 The Court will dismiss a Complaint at any time if the action fails to state a claim, raises
4 frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from
5 such relief. *See* 28 U.S.C. § 1915(e)(2)(B).
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7 As an initial matter, the Complaint fails to set forth a basis for this Court's subject
8 matter jurisdiction. Because Ms. Owen has filed this case in Federal Court, subject matter
9 jurisdiction may be based on diversity or the existence of a federal question, as set forth in 28
10 U.S.C. §§ 1331 and 1332. Plaintiff alleges that the jurisdictional basis for this lawsuit is federal
11 question jurisdiction. Pursuant to 28 U.S.C. § 1331, federal district courts have original
12 jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United
13 States." "A case 'arises under' federal law either where federal law creates the cause of action
14 or 'where the vindication of a right under state law necessarily turn[s] on some construction of
15 federal law.'" *Republican Party of Guam v. Gutierrez*, 277 F.3d 1086, 1088-89 (9th Cir. 2002)
16 (quotation omitted). The presence or absence of federal question jurisdiction is governed by
17 the "well-pleaded complaint rule, which provides that federal question jurisdiction exists only
18 when a federal question is presented on the face of the plaintiff's properly pleaded complaint."
19 *Smallwood v. Allied Van Lines, Inc.*, 660 F.3d 1115, 1120 (9th Cir. 2011) (citing *Caterpillar*
20 *Inc. v. Williams*, 482 U.S. 386, 392, 107 S. Ct. 2425, 96 L. Ed. 2d 318 (1987)).
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24 Here, Ms. Owen's claims appear to arise under Washington State common law. She
25 does not cite to a federal statute, the U.S. Constitution, or other source of federal law. Diversity
26 jurisdiction is also clearly lacking, as Ms. Owen and Defendants are all residents of the same
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1 state. Accordingly, this Court almost certainly lacks subject matter jurisdiction over Plaintiff's
2 claims.

3 The Court also notes that Ms. Owen's claims may be barred by the statute of limitations
4 as this action is based on events in 2015 and it appears she was able to bring these claims more
5 than three years prior to filing.
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7 In Response to this Order, Plaintiff must write a short and plain statement telling the
8 Court (1) the law or laws upon which her claims are based, (2) why this Court has subject
9 matter jurisdiction to hear these claims, and (3) why this case should not be dismissed as
10 frivolous. **This Response may not exceed six (6) pages.** Additional pages or attachments will
11 not be considered. The Court will take no further action in this case until Plaintiff has
12 submitted this Response.
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14 Accordingly, the Court hereby finds and ORDERS that Plaintiff shall file a Response to
15 this Order to Show Cause containing the detail above **no later than twenty-one (21) days**
16 **from the date of this Order.** Failure to file this Response will result in dismissal of this case.
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19 DATED this 28th day of June 2019.
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23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
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